

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:19-cr-081

v.

Hon. Janet T. Neff
United States District Judge

ANTHONY OZOMARO,

Defendant.

**DEFENDANT'S MOTION FOR COMPETENCY
EXAMINATION AND BRIEF IN SUPPORT**

Now comes Mr. Anthony Ozomaro, by and through his attorney, Sean R. Tilton, Assistant Federal Public Defender, and hereby moves this Court to order the defendant to undergo an examination to determine his current mental competency and his criminal responsibility at the time of the offense, pursuant to 18 U.S.C. § 4241(a) and 18 U.S.C. § 4242(a). Counsel believes such an examination is necessary to protect the defendant's right to due process in these proceedings and requests a psychiatric and/or psychological examination be conducted of Mr. Ozomaro, and the results of those examinations be filed with this Court pursuant to 18 U.S.C. § 4247(c). Defense counsel has consulted with Assistant United States Attorneys Stephen Baker and Erin Lane. The government does not oppose defense counsel's motion for examinations pursuant to 18 U.S.C. §§ 4241(a) and 4242(a).

I. Background

On March 12, 2019, a Complaint was filed, and subsequently on April 10, 2019, an Indictment was filed charging Mr. Ozomaro with one count of possession with intent to distribute methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(viii). Undersigned counsel was appointed to represent Mr. Ozomaro on April 16, 2019. Mr. Ozomaro was ordered to be detained on April 23, 2019.

Mr. Ozomaro has pending state charges out of the Kalamazoo County Circuit Court. On April 29, 2019, a competency evaluation was ordered. (Attachment 1, Order for Competency Evaluation.) The Kalamazoo County Circuit Court adopted the findings of the report prepared by the Michigan Center for Forensic Psychiatry, finding that Mr. Ozomaro was competent to stand trial. On August 21, 2019, a second competency evaluation was ordered by the Kalamazoo County District Court. (Attachment 2, Order for Competency Examination.) Counsel is now requesting this Court to order the defendant to undergo an examination to determine his current mental competency and his criminal responsibility at the time of the offense.

II. Request for Psychiatric and/or Psychological Examination

There have been concerns about Mr. Ozomaro's competency to stand trial since this case began. However, counsel did not request a competency evaluation based upon counsel's interactions with Mr. Ozomaro and the findings of the first competency evaluation. Counsel now has concerns that Mr. Ozomaro's mental health has deteriorated and believes that a competency evaluation and criminal responsibility evaluation are necessary. Counsel adopts the attached petition by attorney Ron Pichlik. (Attachment 3,

Petition.) Counsel shares many of the concerns and observations of Attorney Pichlik. Consequently, there is reasonable cause to believe that Mr. Ozomaro may presently be suffering from a mental disease or defect that renders him unable to understand these proceedings or to rationally assist in his defense.

III. Conclusion and Relief Requested

Under 18 U.S.C. § 4241(a), it is within the Court's discretion to order an evaluation of the defendant's competency. Similarly, under 18 U.S.C. § 4242(a), the Court has the discretion to order a psychiatric or psychological examination of the defendant. Mr. Ozomaro, through counsel, is requesting both of these examinations. A hearing should be held regarding those determinations, after the necessary examination and receipt of a report from the mental health professional.

Respectfully submitted,

SHARON A. TUREK
Federal Public Defender

Dated: August 21, 2019

/s/ Sean R. Tilton
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